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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,119	08/15/2001	Bruce A. Schofield	13072BAUS02U	9946
34845	7590	02/15/2005	EXAMINER	
STEUBING AND MCGUINNESS & MANARAS LLP 125 NAGOG PARK ACTON, MA 01720			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/930,119

Applicant(s)

SCHOFIELD ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/26/02; 10/3/02; 8/15/01, 04/15/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-49 are rejected under 35 U.S.C. 102(e) as being unpatentable over Graves et al. (U.S. 6,690,848)

Graves et al. disclose claims :

1. An optical service agent/device/system /method for managing communication services for a user in an optical communication system, the optical service agent comprising:  
a user-to-network interface (UNI) for interfacing with an optical communication network (10; col.2, lines 37-67); and  
optical service logic (12, 14, 16, 17, 18, 26, 27) for obtaining optical communication services from the optical communication network (10) via the UNI and managing said optical communication services for the user (3, 32).
2. The optical service agent of claim 1, wherein the optical communication network comprises an automatically switched optical/transport network (ASON), and wherein the UNI comprises an ASON UNI (col. 3, lines 1-38).
3. The optical service agent of claim 1, further comprising auto-discovery logic for automatically discovering peer users (col.4, lines 6-16).

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4. The optical service agent of claim 3, wherein the auto-discovery logic comprises an advertisement mechanism for sending and receiving peer information ("Metropolitan Photonic Network"; title; col.7, line 67-col.8, line 10).
5. The optical service agent of claim 4, further comprising a peer database for storing peer information (124).
6. The optical service agent of claim 1, further comprising peer authentication logic for authenticating peer users (it is inherent the Network ID (UNI), allows peer users to prove their identity when logging into any secure service; 34).
7. The optical service agent of claim 1, further comprising peer-to-peer signaling logic for communicating with peer users (34).
8. The optical service agent of claim 7, wherein the optical service logic coordinates communication services with peer users via the peer-to-peer signaling logic (col.16, line 45-col.17, line 13; also see "DWDM Multiplexer").
9. The optical service agent of claim 1, wherein the optical service agent comprises an application component (DWDM application component) and a network component (fig.1).
10. The optical service agent of claim 9, wherein the application component and the network component are situated within the user, and wherein the network component implements the UNI for interfacing with the optical communication network (34; 10)
11. The optical service agent of claim 9, wherein the application component is situated within the user and the network component is situated within the optical communication network, and wherein the application component and the network component communicate via the UNI (col.2, lines 37-67).

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12. The optical service agent of claim 9, wherein the application component and the network component communicate via a control interface, and wherein the network component interfaces with the optical communication network via the UNI as a proxy for the application component (22, 30).

13. The optical service agent of claim 1, further comprising an application program interface (API) for interfacing with a user application ("An OAM processor 210 with a network interface (NIF) 212 coupled to the network management system is coupled to the path integrity block and controls protection switching via control processors 214 and 216. The control processors are also in communication with the Ethernet communication 220 including Ethernet communications hub 322 and a pair of 1310 nm transmitter/receiver arrays 224 and 226. The transmitter/receiver arrays associated with access fibers, are connected to multiple customer premises Ethernet transceivers via optical splitters that bypass the outside plant or CPE located Sparse-DWDM multiplexers and provide a means to allow a network access end point currently associated with a "dark" wavelength to request illumination of that wavelength and the establishment of an end-to-end path. This process is similar to dialing in a conventional telephone network, where the act of picking up the phone and dialing both establishes a requirement for an end-to-end connection and the allocation of a DS-0 time slot within the switch.

14-49. Claims 14-49 are similarly rejected as in claims 1-13.


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 10, 2005

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JEFFREY P. WU  
PRIMARY EXAMINER